

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BRUCE LEE, #09434-078

§

VS.

§

CIVIL ACTION NO. 6:05cv85  
CRIM. NO. 6:02cr17(01)

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the motion filed pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct a sentence should be denied. The Movant has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Movant to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Movant are without merit. He does not have a basis for relief under *United States v. Booker*, 125 S.Ct. 738 (2005). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Movant's motion to vacate, set aside or correct his sentence is **DENIED** and the cause of action is **DISMISSED** with prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 26th day of August, 2005.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**